

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Andreas Melzer, et al.  
Application No. : 09/529,483  
Filed : April 13, 2000  
Title : MR IMAGING METHOD AND MEDICAL DEVICE  
FOR USE IN METHOD  
  
Grp./Div. : To be determined  
Examiner : To be determined  
  
Docket No. : 37418/DBP/M521

LETTER REQUESTING CORRECTION OF NOTICE OF ACCEPTANCE OF  
APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495  
AND SUBMITTING ENGLISH TRANSLATION OF APPLICATION  
WITH ANNEXES INCORPORATED

Assistant Commissioner for Patents  
Washington, D.C. 20231

Post Office Box 7068  
Pasadena, CA 91109-7068  
August 25, 2000

Commissioner:

The June 15, 2000 Notice of Acceptance (copy enclosed) failed to indicate that Copy of the Annexes to the International Preliminary Examination Report (IPER), and Translation of Annexes to the IPER into English were received by the U.S. Patent and Trademark Office. Each of these documents were filed as evidenced by the following enclosed documents:

1. A copy of the transmittal letter to the U.S. Designated/Elected Office.
2. A copy of the return post card indicating enclosures.

It is respectfully requested that a corrected Notification be provided correctly indicating that copies of the annexes to the IPER and translation of such documents were received.

**Express Mail No.** EL 496231905US

Application No. 09/529,483

Also enclosed is a copy of the English translation of the application with the annexes incorporated.

Respectfully submitted,  
CHRISTIE, PARKER & HALE, LLP

By



D. Bruce Prout  
Reg. No. 20,958  
626/795-9900

DBP/dg

Enclosures: Copy of transmittal letter to the U.S. Designated/Elected Office  
Copy of return post card  
English translation of application with annexes incorporated

DLG PAS265638.1--8/24/00 1:34 PM

9/529483 3700

25 AUG 2000  
US

PCT Applicant's Guide - Volume II - National Chapters S Annex US.II, page 1

FORM PTO-1390  
(REV 10-97)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

DATE: April 13, 2000

EXPRESS MAIL LABEL NO.  
EM241130096USATTORNEY DOCKET NO.  
37418/DBP

U.S. APPLICATION NO.

3736

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**INTERNATIONAL APPLICATION NO.  
PCT/DE98/03046INTERNATIONAL FILING DATE  
13.October.1998PRIORITY DATE CLAIMED  
13.October.1997TITLE OF INVENTION  
MR IMAGING METHOD AND MEDICAL DEVICE FOR USE IN METHODAPPLICANT(S) FOR DO/EO/US  
Andreas Melzer and Martin Busch

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/LUS).
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (UNEXECUTED)
10. ☒ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items below concern other document(s) or other information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Small entity claim with a copy of this transmittal letter attached.
17. ☒ International search report.
18. ☒ International preliminary examination report.
19. ☒ Extra set of drawings
20. ☒ English Translation of International Application with Annexes to IPER Incorporated.
21. ☐

U.S. APPLICATION <b>To Be Assigned</b>		INTERNATIONAL APPLICATION NO. <b>PCT/DE98/03046</b>		ATTORNEY DOCKET NO. <b>37418/DBP</b>	
<input checked="" type="checkbox"/> The following fees are submitted: (see Note (1) below) <b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b> Search Report has been prepared by the EPO or JPO..... \$ 840.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) ... \$ 670.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2))..... \$ 690.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... \$ 970.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)..... \$ 96.00 <div style="text-align: right; margin-top: 10px;"> <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b> </div>				<b>CALCULATIONS</b>	
Surcharge of \$130 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				<b>PTO USE ONLY</b>	
Claims	Number Filed	Number Extra	Rate		
Total Claims	32+7 -20=	19	X \$18	\$	342.00
Independent Claims	2 -3=	0	X \$78	\$	0.00
Multiple dependent claim(s) (if applicable)			+ \$260	\$	260.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	1,572.00
Reduction by 1/2 for filing by small entity, if applicable. Verified Small entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$	
<b>SUBTOTAL =</b>				\$	1,572.00
Processing fee of \$130 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
<b>TOTAL NATIONAL FEE =</b>				\$	1,572.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
<b>TOTAL FEES ENCLOSED =</b>				\$	1,572.00
Note (1): The basic national fee must be paid when filing this application. The 20-month time limit (37 CFR § 1.494) and 30-month time limit (37 CFR § 1.495) are not <b>extendable</b> .				Amount to be: refunded \$	
				charged \$	
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>1,572.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>03-1728</u> . A duplicate copy of this sheet is enclosed. <b>NOTE (2):</b> Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. SEND ALL CORRESPONDENCE TO: <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <b>D. Bruce Prout</b>  <b>CHRISTIE, PARKER &amp; HALE</b>  <b>P.O. Box 7068</b>  <b>Pasadena, CA 91109-7068</b> </div> <div style="width: 45%; text-align: right;">           By <u><i>D. Bruce Prout</i></u>  <b>D. Bruce Prout</b>  <b>Reg. No. 20,958</b> </div> </div>					

RECEIVED

JUN 19 2000

Christie, Parker &amp; Hale, LLP



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

DBP  
107

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/529483	MELZER	A 37418/DBP
INTERNATIONAL APPLICATION NO.		
PCT/DE98/03046		
LA. FILING DATE	PRIORITY DATE	
13 OCT 98	13 OCT 97	
DATE MAILED: 15 JUN 2000		

D BRUCE PROUT  
CHRISTIE PARKER & HALE  
P O BOX 7068  
PASADENA, CA 91109 7068

NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371  
AND 37 CFR 1.494 OR 1.495

1. The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as ☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is **ACCEPTED** for national patentability examination in the United States Patent and Trademark Office.

2. The United States Application Number assigned to the application is shown above and the relevant dates are:

02 June 2000  
35 U.S.C. 102(e) DATE

02 June 2000  
DATE OF RECEIPT OF  
35 U.S.C. 371 REQUIREMENTS

CASE # 37418 ACTION Acceptance  
REMARKS DATE OF RECEIPT

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371(C) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

3. ☒ A request for immediate examination under 35 U.S.C. 371(f) was received on 13 apr 2000 and the application will be examined in turn.

4. The following items have been received:

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☒ a non-English language.

☐ English.

☒ Translation of the international application into English.

☒ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments. ☐ Translation of Article 19 amendments into English.

The Article 19 amendments ☐ have ☐ have not been entered.

☐ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Copy of the Annexes to the International Preliminary Examination Report (IPER).

☐ Translation of Annexes to the IPER into English.

The Annexes ☐ have ☐ have not been entered.

☒ Preliminary amendment(s) filed 13 apr 2000 and \_\_\_\_\_

☒ Information Disclosure Statement(s) filed 13 apr 2000 and \_\_\_\_\_

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_

☒ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other: \_\_\_\_\_

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Shelby J. Vigil *S. Vigil*